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IN THE

Supreme Court of the United States

OCTOBER TERM, 1970

No. 1088

ROBERT L. VANDYGRIFT,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE FLORIDA STATE SUPREME COURT

Robert L. Vandygrift
209 East Oak Ave
Tampa, Florida 33602

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PETITION FOR WRIT OF CERTIORARI
TO THE FLORIDA STATE SUPREME COURT

Petitioner Robert L. Vandygrift, petitioner-appellant in the court below, prays that a writ of certiorari issue to review the judgment of the Supreme Court of the State of Florida entered in this case.

Opinion Below

The opinion of the Florida State Supreme Court reported below is appended hereto as Appendix A.

Jurisdiction

The opinion and judgment of the Florida State Supreme Court was entered on October 22, 1970. The judgment became final on that date.

Questions Presented

1. Does the duty of constitutional adjudication resting upon the federal courts require that the federal courts make an independent determination of a state constitution?

The Fourteenth Amendment to the United States Constitution provides in pertinent part:

> "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."
>
> "Nor shall any State deprive any person of life, liberty or property without due process of law;" "Nor deny to any person within its jurisdiction the equal protection of the law"

Article VI of the United States Constitution provides in pertinent part:

> "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made,

under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

(1) that the merits of the factual dispute were not resolved in the State court hearing;

(2) that the procedure employed by the State Court was not adequate to afford a full and fair hearing;

(3) that the material facts were not adequately developed at the State court hearing;

(4) that the applicant did not receive a full, fair, and adequate hearing in the State court proceeding; or that the applicant was otherwise denied due process of law in the State court proceeding;

STATEMENT

The Petitioner

I

That the petitioner filed an application for a writ of Habeas Corpus in the Florida State Supreme Court vs. The State of Florida and The Attorney General Respondant as he being an elected official and legal advisor for the authorities for the State of Florida.

II

The cause on pretence of said restraint according to the best of my knowledge and belief that the State of Florida provides no centralized State Appellate Board with direct appeal to the Chief Judge of the Florida State Supreme Court or no Neighborhood Community Relations Boards at the local level that would safeguard and secure citizens rights and provide recourse provisions and no centralized State Professional Investigating Body or Mediator or Promulgate Board with citizens recourse provisions. That the State do provide a County investigating Body called a Grand Jury controlled by the State District Prosecuting Attorney and do provide a so called crime escape law called Immunity which is frequently granted by local district State Prosecuting Attorneys with no relation to the State Attorney General's office and no uniform government or an equalized system based on human inhabitant population contrary to the due process and equal protection provisions guaranteed to your petitioner by the Constitution of the United States.

III

That respondent functions under a 1968 revised Constitution by appointed body and approved by the Legislature of the State of Florida other than by an approximation of an independent constitutional convention and written into a

conflict and discriminatory language called an Organic Law providing 67 political subdivisions called counties a certified copy attached Exhibit H.B 2694, Chapter 69-1148, 70-714 H.B. 5488 an act by the Legislature of the State of Florida called a special law applying only to Hillsborough County, Florida under and by a link of Article VIII of the State Constitution. A certified copy attached Exhibit of Sec. 3 of Article VIII of the State Constitution relating to consolidated governments that it violates the concepts of American Independence adopted July 4th, 1776 concerning separations of power of Government at all levels and is in contrary to the laws of the United States and the decisions of the Courts of the United States and deprives petitioner and spouse their property without due process of law by the way of taxation and denies to the petitioner the equal protection of the law among the citizens of the several counties and citizens of the several sister states contrary to the first section of the Fourteenth Article of Amendment of the Constitution of the United States and the Court should declare it null void and unconstitutional it is not to the best of public interest and contrary to public policy of adjoining counties.

IV

A certified copy attached exhibit of chapter 69-690; an act of the State Legislature relating to salaries of mayors and clerks of municipalities called City Government, that the mayor

of the City of Tampa, Florida is being paid twenty-eight thousand and five hundred dollars per year of public funds and is of a minor in nature and the average citizen's pay is a little less than six thousand dollars per year in Hillsborough County. The mayor of the City of St. Petersburg, Florida, in adjoining Pinellas County, is being paid seven thousand and five hundred dollars per year of public funds approximately the same human inhabitant population based on a report of the 1970 Bureau of Census, Washington, D.C. A letter attached exhibit the mayor of the City Form Government does not set as Chairman of the City Council and does not hold constitutional veto powers and amounts to no more than a prohibition of the City Form Government at Tampa, Florida created as a minor in nature and has outgrown its useful manner by annexing neighborhood community's by special act of the Legislature of the State of Florida for the purpose of raising neighborhood community taxes and the greater perpetration of funds being used for administrative salaries providing no uniform medium standards or controls which are inadequate and the weakest in the Nation at the local level and have abused their discretion and created an unjust arbitrary discrimination among the citizens of the several cities and counties throughout the State of Florida and approved by the Executive Branch of State Government. It is not a Tax Board or a Health Board or a School Board and it is grossly outmoded with conflicts and confusions and has abused their discretion and denies the petitioner and spouse their property without due process of law by the way of taxation and

denies to your petitioner the equal protection of the law contrary to the due process and equal protection provisions guaranteed to your petitioner by the Constitution of the United States.

This decision if allowed to stand as a precedent endangers the efficacy of a petition for writ of habeas corpus in this Court.

The duty of independent determination of constitutional issues in habeas corpus cases has long been emphasized by this Court.

This Court should grant the petition in order to safeguard the right and duty of this Court to make constitutional determinations independent of state court constitutional findings.

These important issues should be resolved by this Court.

CONCLUSION

Petitioner earnestly prays that this Court issue its writ of certiorari to the Florida State Supreme Court to review the novel and substantial questions raised herein.

Respectfully submitted,

By: _____

Robert L. Vandygrift
209 East Oak Ave
Tampa, Florida 33602

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing brief has been served upon opposing counsel by mail on the _____ day of December, 1970.

Robert L. Vandygrift

APPENDIX A

IN THE SUPREME COURT OF FLORIDA

JULY TERM, A. D. 1970

THURSDAY, OCTOBER 22, 1970

IN THE MATTER OF THE PETITION OF ROBERT L. VANDYGRIFT FOR WRIT OF HABEAS CORPUS,	**	
Petitioner,	**	
v.	**	CASE
STATE OF FLORIDA THE ATTORNEY GENERAL,	**	NO. 40,401
Respondent.	**	

The petitioner in the above cause has filed a Petition for Writ of Habeas Corpus, and the same having been duly considered, it is ordered that said Petition be and the same is hereby denied.

A True Copy

TEST:

s/Sid J. White
Sid J. White
Clerk Supreme Court

APPENDIX B

IN THE SUPREME COURT OF FLORIDA

IN THE MATTER OF THE PETITION OF ROBERT L. VANDYGRIFT FOR WRIT OF HABEAS CORPUS,	**	
Petitioner-Appellant	**	CASE
v.	**	NO. 40,401
STATE OF FLORIDA THE ATTORNEY GENERAL,	**	
Respondent-Appellee	**	

Petitioner Robert L. Vandygrift, takes and enters his appeal to the United States Court of Appeals for the Fifth (5th) Circuit to review the Judgment (or decree or order) of in the above Court, bearing the date 22nd day of October, 1970, entered in the above styled cause and all parties to said cause are called upon to take notice of the entry of this Appeal.

Respectfully submitted

FILED
Nov 20, 1970
Sid J. White
Clerk
Supreme
Court

By s/Robert L. Vandygrift
Robert L. Vandygrift
Petitioner

As of Robert L. Vandygrift
Counsel for Appellant